

NEW HEBRIDES CONDOMINIUM

F134/6

JOINT REGULATION

No. 1 of 1975

TO PROVIDE for the establishment of Municipal and Community Councils.

MADE by the Resident Commissioners under the provisions of Articles 2:2, 7, 8 and 62 of the Anglo-French Protocol of 1914.

PART I - GENERAL PROVISIONS

Establishment of municipalities and rural communities

1. The Resident Commissioners may in pursuance of the provisions of this section by joint decision appoint areas within which there shall be established municipalities and rural communities having corporate legal personality to assume the responsibilities of local government in accordance with the provisions of this Regulation, which decision shall further prescribe the boundaries and the headquarters thereof.

Alteration of boundaries, names or headquarters

2. The Resident Commissioners may by joint decision alter the boundaries, names or headquarters of such municipalities and rural communities and may authorise the conversion of any rural community into a municipality at the request of the Council of such rural community.

Administration of municipalities and rural communities

3. (1) Every municipality shall be administered by a municipal body comprising a Council, a Mayor and two or more Assistant Mayors.

(2) Every rural community shall be administered by a body comprising a Community Council, a Chairman and one or more Assistant Chairmen.

(3) The Resident Commissioners shall by joint decision determine the numbers of members of every Municipal Council and Community Council. Every such joint decision respecting a Municipal Council shall in addition prescribe the number of seats to be filled respectively by persons subject within the New Hebrides to British and French national jurisdiction and by New Hebrideans. (In this Regulation the expression "New Hebridean" means a native as defined in Article 8:1 of the Anglo-French Protocol of 1914).

(4) Any municipality or rural community may be divided into two or more wards and the boundaries of such wards together with the number of members to represent them shall be determined in the joint decision by which the municipality or rural community is established.

PART II - ESTABLISHMENT OF MUNICIPAL AND  
COMMUNITY COUNCILS

Election  
of  
Councils

4. (1) Municipal and Community Councils shall be elected by all men and women of and above a minimum age which shall be prescribed by the Resident Commissioners by Joint Rules who have been domiciled or have resided within the boundaries of a municipality or rural community for at least 12 months immediately preceding the date of closing the electoral rolls (notwithstanding any short absences of a temporary nature) and who do not fall within any of the classes of disqualification which shall be prescribed in like manner.

(2) For the purposes of subsection (1), a person who carries on business in any place in an enterprise owned wholly or partially by him or in which he has a beneficial interest as a principal shareholder of a corporate body, shall be deemed to be domiciled in such place.

Methods  
of  
election

5. The members of every Municipal Council and Community Council shall be elected by majority vote in a single ballot in accordance with procedure prescribed by the Resident Commissioners by joint rules.

Qualifications  
for  
candidates

6. Subject to the provisions of section 9, no person may be elected as a member of a Municipal or Community Council unless-

(i) he has personally offered himself as a candidate in accordance with the procedure prescribed by joint rules; and

(ii) he is qualified under the provisions of this Regulation and any rules made thereunder as an elector of the Municipal or Community Council, as the case may be.

Electoral  
rules

7. The Resident Commissioners shall make joint rules providing for the setting up of polling stations, for voting procedure and the counting of votes, and for the announcement of results of elections.

Electoral  
disputes

8. All electoral disputes shall be referred to a special committee of which the membership, powers and limitation of time for making decisions shall be prescribed by joint rules of the Resident Commissioners.

Ineligibility  
for office or  
employment

9. The Resident Commissioners may by joint rules determine the categories of office, employment or profession of which the holders or members shall be ineligible to stand for election to a Municipal or Community Council and to define the circumstances in which any person shall be ineligible to hold employment under a Municipal or Community Council. No person may offer himself as a candidate for election to a Municipal or Community Council unless at the time of declaring his candidacy he has attained the age of twenty-one years.

Term of office  
of  
Councillors

10. (1) The members of Municipal and Community Councils shall be elected for a period of three years and shall all retire together at the end of such period, together with any member who has been elected as a result of a by-election during such period.

(2) In the case of any vacancy on a Municipal or Community Council arising between elections a by-election shall be held within a period of three months from the date of such vacancy arising:

Provided that if a vacancy arises within six months before the date when the next general election is due no by-election shall be held unless the numbers of members has fallen below half the lawful membership.

Dissolution and suspension of Councils

11. (1) A Municipal or Community Council may be dissolved by the Resident Commissioners by joint decision which shall state the reasons therefor. A Municipal or Community Council may be suspended in the like manner for any period not exceeding one month.

(2) In the case of the dissolution of a Council, the resignation of all its members, the definitive annulment of the election of all its members or when a Council cannot be constituted, a special commission shall be appointed by the Resident Commissioners to carry out its functions. The members of such commission shall be empowered to deal only with matters of a purely routine or urgent nature.

PART III - OPERATION OF MUNICIPAL AND RURAL COMMUNITY COUNCILS

Sessions of Councils

12. (1) Every Municipal and Community Council shall hold at least four ordinary sessions in each year:

Provided that the District Agents may jointly sanction non-compliance by any Community Council with the foregoing provisions of this subsection.

(2) Extraordinary sessions of any Council may be convened in the case of a Municipal Council, by direction of the Resident Commissioners and in the case of a Community Council, by direction of the District Agents, or by the Mayor or Chairman, as the case may be, on his own initiative or at the request of at least one third of the members. In any such case the notice convening the Council shall state precisely the purposes for which the session has been called and the prior approval of the Resident Commissioners or the District Agents, as the case may be, shall be required for the inclusion of any other subjects on the agenda.

(3) Every notice convening meetings of a Municipal or Community Council issued by the Mayor or the Chairman shall be recorded in the minute book and delivered in writing to the residence of each member not less than three clear days before the meeting:

Provided that in cases of urgency such period of notice may be reduced by the Resident Commissioners or the District Agents, as the case may be.

Precedence of Councillors, quorum of Councils

13. (1) The members of a Municipal or Community Council shall take precedence according to the following order of seniority-

- (i) by length of office since first appointment;
- (ii) between members elected on the same day, according to the number of votes received; and
- (iii) between members elected by equal votes, by seniority of age.

(2) No Municipal or Community Council shall pass any resolution unless a majority of its members are present. When following the due issue of a notice of a meeting in accordance with the provisions of subsection (3) of section 12 a sufficient number of members are not present, the council may validly pass resolutions after an interval of not less than eight days from the issue of a second notice, whatever the number of members present.

Decisions  
and  
voting

14. The decisions of every Council shall be decided by an absolute majority of the members present. In the case of an equal number of votes, the Mayor or Chairman, as the case may be, shall have a casting vote, except in a secret ballot. A secret ballot shall be held on all decisions for appointments or nominations. In such cases, if after two secret ballots no candidate has obtained an absolute majority, a third vote shall be held which shall be decided by a simple majority. If the number of such votes is equal, the resolution shall be determined by seniority of age.

In all other circumstances, voting shall be public. The names of the members voting and the way they have voted shall be recorded in the minutes:

Provided that if one third of the members present shall so request, a secret ballot shall be held.

Proceedings  
of  
Councils

15. (1) The Mayor or Chairman, as the case may be, or the person who is acting in his absence, shall preside over the Council and shall control the proceedings.

(2) All decisions shall be recorded in order of date in a minute book, each page of which shall be numbered and initialled, in the case of a Municipal Council, by the Local Government Supervisory Commission provided for in section 44 and, in the case of a Community Council, by the District Agents. They shall be signed by all the members present at the meeting save that if any member is unable to sign the reason therefor shall be recorded. A copy of the minutes of every meeting of a Municipal Council shall be sent without delay to the Supervisory Commission.

(3) Every inhabitant of a municipality or rural community and every person liable to pay municipal or community taxes shall have the right to inspect and to take a copy of all or any part of the reports of proceedings of the Council, budgets, accounts, contracts and specifications, without removing them. Any person may publish the same on his own responsibility.

Absence from  
Council  
meetings,  
removal and  
resignation  
from office

16. (1) Any member wishing to be absent from a meeting of a Municipal or Community Council shall obtain the prior leave of the Mayor or Chairman, as the case may be, or if he is prevented from so doing by circumstances beyond his control, shall inform the Mayor or Chairman as soon as possible after the meeting concerned of the reason for his absence.

(2) Any member of a Municipal or Community Council who has failed to attend three meetings without having obtained the prior leave of the Mayor or Chairman, as the case may be, or without providing satisfactory reasons therefor, may, after being allowed to furnish an explanation, be removed from office by joint decision of the Resident Commissioners, upon the recommendation of the Council. Any member of a Council who without valid excuse has refused to carry out any function conferred upon him by this Regulation or any subsidiary legislation made thereunder may be removed from office in like manner.

(3) The voluntary resignation of members shall be addressed by registered mail, in the case of a Municipal Council, to both Resident Commissioners and in the case of a Community Council, to both District Agents. Every such resignation shall take effect from the acknowledgement of receipt thereof and failing such acknowledgement shall be deemed to take effect one month after the date of posting the notice of resignation by registered mail.

PART IV - FUNCTIONS OF MUNICIPALITIES AND RURAL COMMUNITIES

Budgets,  
taxation etc.

17. (1) Subject to the provisions of subsection (3), every Municipal and Community Council shall vote each year the budget and the taxes required to finance it and shall determine the public works of the municipality or rural community and the implementation thereof. The municipality or rural community shall in general take all necessary measures for the common welfare of its inhabitants.

(2) A Municipal or Community Council may take decisions on any subject matter set out in the Schedule to this Regulation. The Schedule may be amended by the Resident Commissioners who shall designate the functions therein to be exercised by each municipality and rural community.

(3) Upon the establishment of every municipality and rural community under the provisions of this Regulation, the Resident Commissioners shall prepare the budget and scheme of taxation for the first year of such municipality or rural community, which shall be binding upon the Council and all persons affected thereby.

Councils to  
give advice

18. All Municipal and Community Councils shall give their advice whenever required by law or requested, in the case of Municipal Councils, by the Resident Commissioners, or in the case of a Community Council, by the District Agents and may express opinions upon any matters of local interest.

Standing and  
special  
committees of  
Councils

19. (1) Every Municipal and Community Council may from time to time appoint standing and special committees which shall be composed solely of members of the said Council and may delegate to any such committee any matters for consideration, inquiry, management or regulation. Every Council may delegate to any such committee any of the powers and duties by this Regulation conferred or imposed upon the Council, except to borrow money, to charge any rate or tax, to make a by-law, to execute any contract or to institute legal proceedings.

(2) Every member of a committee appointed under this section who at the time of his appointment was a member of the Council shall, upon ceasing to be a member of the Council, also cease to be a member of the committee.

(3) The Council may appoint a member of a committee to be chairman and in default of such appointment the committee shall appoint a chairman. A committee may from time to time appoint a deputy chairman to act in the absence of the chairman.

(4) Every committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Council, exercise and perform the said powers and duties in like manner and with the same effect as the Council could itself have exercised or performed them.

(5) Every committee appointed under this section shall be subject in all things to the control of the Council and shall carry out all directions, general or special, given by the Council in relation to such committee or its affairs.

Certain resolutions of Councils null and void

20. All resolutions or decisions of a Municipal or Community Council-

(i) concerning matters which are outside its competence or which have not been considered at a lawfully constituted meeting; or

(ii) taken in contravention of the provisions of the Anglo-French Protocol of 1914 or any joint regulation or other provisions made thereunder,

shall be ab initio null and void.

#### PART V - MAYORS AND CHAIRMEN OF COUNCILS

Election of Mayors, Assistant Mayors, Chairmen and Assistant Chairmen

21. (1) Each Municipal Council shall elect from among its members a Mayor and two Assistant Mayors. The Resident Commissioners may, at the request of or after consultation with a Municipal Council, authorise the creation of one or two additional offices of Assistant Mayor.

(2) Each Community Council shall elect from among its members a Chairman and one or more Assistant Chairmen. The District Agents may, at the request of or after consultation with a Community Council, authorise the creation of one or two additional offices of Assistant Chairman.

Offices of Councils to be honorary

22. The Mayor, Assistant Mayors and Councils of every municipality and the Chairman, Assistant Chairmen and Councillors of every community shall carry out their duties without remuneration:

Provided that, subject to approval by the Resident Commissioners or the District Agents, as the case may be, duty allowances may be authorised by a Municipal or Community Council and paid from the municipal or community budget. Mayors, Assistant Mayors, Chairmen, Assistant Chairmen and Councillors shall be entitled when due occasion arises to reimbursement of any expenditure rendered necessary in the carrying out of special duties.

Method of election of Mayors and Assistant Mayors, Chairmen and Assistant Chairmen

23. (1) The election by a Municipal Council of a Mayor and Assistant Mayors shall be by secret ballot decided on an absolute majority of the members present. If after two ballots for any office no candidate has obtained an absolute majority of the votes cast, a third election shall be held and decided by a simple majority of the members present. If the number of such votes is equal the election shall be determined by seniority of age.

(2) The election by a Community Council of a Chairman and Assistant Chairmen shall be by secret ballot decided on an absolute majority of the members present. If after two ballots for any office no candidate has obtained an absolute majority of the votes cast, a third election shall be held and decided by a simple majority of the members present. If the number of such votes is equal the election shall be determined by seniority of age.

(3) The conditions and methods of election of the Mayors and Assistant Mayors and of Chairmen and Assistant Chairmen shall be prescribed by joint rules.

Term of office of Mayors, Assistant Mayors, Chairmen and Assistant Chairmen 24. All Mayors, Assistant Mayors, Chairmen and Assistant Chairmen shall hold office for the same period as Councillors. Except in cases of conflict of personal and official interests, suspension or dismissal, they shall continue to carry out their duties until their successors take office:

Provided that in the case of the election of a new Council, the duties of the Mayor, Assistant Mayors, Chairman and Assistant Chairmen shall during the period from the inception of the new Council until the date of election of new office-bearers be carried out by the most senior Councillors respectively.

Responsibilities of Mayors and Chairmen 25. (1) The Mayor of a municipality and the Chairman of a community shall be each responsible for the administration thereof and shall exercise such responsibility in consultation with the Council and its committees, if any.

(2) Where the personal interests of the Mayor or the Chairman are in conflict with those of the municipality or rural community, the Council shall appoint one of its members to represent the municipality or rural community whether in legal proceedings or the making of contracts.

(3) In the case of the absence, suspension, removal or other inability to act of a Mayor or Chairman, the whole of his functions shall be carried out by an Assistant Mayor or Assistant Chairman, as the case may be, or failing this, by the most senior Councillor.

(4) If a Mayor or Chairman refuses or neglects to carry out any duty devolving on him by virtue of any law, the Resident Commissioners may, after having called upon him to do so, direct the same to be carried out by a person especially appointed for the purpose.

Dismissal and suspension of Mayors and Chairmen 26. (1) The Resident Commissioners may by joint decision, which shall state the reasons therefor, suspend or dismiss the Mayor or an Assistant Mayor of a municipality after he has been heard or invited to furnish his written explanations regarding the matters alleged against him. The duration of any such suspension shall not exceed three months.

(2) The Resident Commissioners may upon the recommendation of the District Agents suspend or dismiss the Chairman or an Assistant Chairman of a community and the provisions of the preceding subsection shall mutatis mutandis apply to such suspension or dismissal.

(3) Dismissal from office shall result in the automatic ineligibility for the office of Mayor or Assistant Mayor or of Chairman or Assistant Chairman, as the case may be, for a period of one year from the date of the notification of dismissal.

Duties of  
Mayors and  
Chairmen

27. (1) It shall be the duty of the Mayor of a municipality, subject to the control of the Council and the supervision of the Resident Commissioners, to-

- (i) preserve and administer the property of the municipality and for that purpose to take any action necessary to safeguard the interests thereof;
- (ii) manage the revenue and supervise the municipal establishments and accounts;
- (iii) prepare the budget and control expenditure;
- (iv) direct municipal works;
- (v) carry out measures relating to the maintenance and cleaning of the public roads of the municipality;
- (vi) enter into contracts, leases of property, and adjudicate upon tenders for municipal works in the forms prescribed by joint legislation;
- (vii) conclude in similarly prescribed forms deeds of sale, exchange, partition, acceptance of gifts or legacies, acquisitions and other transactions when such transactions have been authorised under the provisions of this Regulation;
- (viii) represent the municipality in any legal proceedings, whether as plaintiff or defendant;
- (ix) issue building and other permits duly authorised by the Municipal Council or any committee thereof in accordance with the provisions of this Regulation or any municipal by-law.

(2) The Mayor of a municipality shall be responsible, subject to the supervision of the Resident Commissioners, for the maintenance of law and order within the municipality in accordance with the provisions of joint rules which shall define his responsibilities under this subsection.

(3) The Mayor of a municipality shall be further responsible, subject to the supervision of the Resident Commissioners, for-

- (i) the publication of all joint legislation within the municipal area and for the implementation thereof insofar as it affects the inhabitants of the said area and falls within the normal sphere of municipal activity;
- (ii) assisting the Joint Administration in carrying out measures of general security;
- (iii) the registration of the births, deaths and marriages of New Hebrideans;
- (iv) in consultation with the Chief Condominium Medical Officer, for public health and sanitation;
- (v) for such functions involving social welfare as may be conferred upon him by the Resident Commissioners acting jointly.



(4) In the exercise of the duties conferred upon him by the foregoing provisions of this section, the Mayor of a municipality shall act in consultation with the Municipal Council and may delegate any appropriate part of his responsibilities to the Secretary or Treasurer of the municipality.

(5) The foregoing provisions of this section shall apply mutatis mutandis to the office of Chairman of a Community Council except where otherwise provided in joint rules and the powers of overall control which are conferred thereby upon the Resident Commissioners shall be exercised instead by the District Agents.

(6) Every Mayor or Chairman may, with the consent of the Council, make by-laws in respect of any or all of the subjects for which responsibility is conferred upon him by virtue of this section, which shall be binding upon all the inhabitants of the municipal or rural community area. Such by-laws may constitute offences and prescribe penalties therefor which shall be justiciable before any court of competent jurisdiction:

Provided that any by-law imposing new municipal or community taxation or changing any existing taxes shall not become operative until it has been approved in writing by both Resident Commissioners.

(7) All by-laws made in accordance with subsection (6) which impose or vary rates or taxes on inhabitants of that municipality or rural community shall apply to any person who has a customary or other right to land, who is the owner of any immovable or who has a place of business in the area of the municipality or rural community concerned, irrespective of whether or not he resides in the said area.

#### PART VI - MUNICIPAL AND COMMUNITY BUDGETS

Division of budgets into recurrent and extraordinary sections

28. The budget of every municipality and rural community shall be divided into a recurrent section and an extraordinary section, for both revenue and expenditure. Such items of revenue and expenditure which by their nature appear unlikely to recur every year shall be shown in the extraordinary section.

Recurrent section of budgets

29. The heads of revenue in the recurrent section of every municipal or community budget shall comprise -

- (i) revenue from all municipal or rural community property except that of which the residents have a right of common enjoyment in kind;
- (ii) the proceeds of any municipal or rural community taxation at the rates voted by the council and approved by the Resident Commissioners or by the District Agents, as the case may be;
- (iii) contributions from the Local Government Grants Fund provided for in section 31;
- (iv) the proceeds of municipal or rural community undertakings and services in accordance with rates of charge which have been duly authorised;

- (v) the rent from markets, fairs, and abattoirs in accordance with rates of charge which have been duly authorised;
- (vi) the proceeds of fees for administrative services including the registration of births, deaths and marriages;
- (vii) any proportion of fines imposed by any Condominium court which may be allocated to the municipality or rural community;
- (viii) the proceeds of services and goods supplied in kind;
- (ix) the proceeds of parking permits and of the letting of sites on public roads and other public places;
- (x) the proceeds of fees connected with the use of public thoroughfares;
- (xi) the proceeds of concessions in cemeteries;
- (xii) generally, the proceeds of all taxes, charges and fees levied or collected under the authority of the Resident Commissioners acting jointly.

Extraordinary  
section of  
budgets

30. (1) The heads of revenue in the extraordinary section of every municipal or community budget shall comprise-

- (i) contributions from the Local Government Grants Fund provided for in section 31;
- (ii) the proceeds of loans;
- (iii) development grants granted by the Resident Commissioners;
- (iv) gifts and legacies;
- (v) the proceeds of alienated municipal or community property;
- (vi) all other unusual or temporary income, the receipt of which has been duly authorised.

(2) Every Municipal and Community Council shall have the power to transfer to the extraordinary revenue section of the budget all or part of the surplus revenue from the recurrent section.

Local  
Government  
Grants Fund

31. (1) A Local Government Grants Fund shall be established to which shall be transferred all or part of such taxes, fees and duties levied by the Joint Administration as may be determined each year by the Resident Commissioners.

(2) The Local Government Grants Fund shall also receive all grants made to municipalities and rural communities from Joint Administration funds. The Fund shall be managed by a committee composed of representatives of the Resident Commissioners, the Municipal and Rural Community Councils and the Advisory Council or any body replacing the same.

(3) The implementation of the foregoing provisions of this section, including the procedure for appointment of the committee provided for in the preceding subsection, shall be prescribed by joint rules.

Mandatory  
expenditure of  
municipalities  
and  
communities

32. (1) Every municipality shall undertake the following mandatory expenditure -

- (i) the construction and maintenance of a Town Hall and pending its construction the renting of a building or a hall in lieu thereof;
- (ii) office expenses and printing for the municipal service;
- (iii) allowances and expenses payable or reimbursable to the Mayor, Assistant Mayors and Councillors;
- (iv) salaries, wages and allowances of municipal employees;
- (v) major repairs and maintenance of municipal buildings;
- (vi) the fencing, upkeep and re-establishment of cemeteries;
- (vii) the maintenance of roads, squares and public places and property in the municipality except those for which the Joint Administration as assumed responsibility;
- (viii) the payment of enforceable debts;
- (ix) generally, all other expenditure of a municipal nature or resulting from measures conducive to the common welfare of the inhabitants.

(2) Every community shall undertake the following mandatory expenditure -

- (i) the construction and maintenance of a Headquarters Building and pending its construction the renting of a building or a hall in lieu thereof;
- (ii) office expenses and printing for the community service;
- (iii) allowances and expenses payable or reimbursable to the Chairman, Assistant Chairmen and Councillors;
- (iv) salaries, wages and allowances of community employees;
- (v) major repairs and maintenance of community buildings;
- (vi) the maintenance of roads in the community except those for which the Joint Administration has assumed responsibility;
- (vii) the maintenance of the public water supply;
- (viii) the maintenance of the radio-telephone equipment of the community;

(ix) the payment of enforceable debts;

(x) generally, all other expenditure of a community nature or resulting from measures conducive to the common welfare of the inhabitants.

Provision for unforeseen expenditure

33. Every municipality and rural community may include provision for unforeseen expenditure in the budget. A Municipal or Community Council may grant authority to the Mayor or Chairman to incur expenditure from such provision, subject always to the prior approval of the Finance Committee of the Council for each such item of expenditure in excess of 10,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange. The Mayor or Chairman shall present to the Council at its next session a full statement of all such expenditure which he has incurred since the previous session, accompanied by supporting documents.

Failure to allocate funds for mandatory expenditure

34. When any Municipal or Community Council fails to allocate the funds required for an item of mandatory expenditure or allocates an insufficient amount, the Resident Commissioners shall make the required allocation by joint decision.

Loans

35. Any Municipal or Rural Community Council may borrow by way of loan:

Provided that when loan repayments have reached a proportion of the recurrent expenditure which shall be fixed by joint rules a decision of the Council to raise any further loan shall not be carried into effect until it has been approved by the Resident Commissioners.

PART VII - ACCOUNTS OF MUNICIPALITIES AND COMMUNITIES

Preparation etc. of budget

36. The budget of each municipality and rural community shall relate to the period 1st January to 31st December in each year. It shall be prepared by the Mayor or the Chairman, as the case may be, with the assistance of the Treasurer and in consultation with the Finance Committee, if any. The budget shall then be voted by the Council and verified and approved by the Resident Commissioners. The accounts of the municipality or rural community, as the case may be, for the previous financial year shall be laid before the Council before it considers the budget.

Mayors and Chairmen sole authorising officers for payments

37. The Mayor of a municipality and the Chairman of a rural community shall be the sole authorising officers for payments from the budget and alone may issue payment vouchers. If after being called upon to do so the Mayor or Chairman refuses to make payment on an item of expenditure which has been duly authorised and verified, the Resident Commissioners shall when they examine the budget issue a joint decision which shall serve in lieu of a payment voucher.

Responsibilities of Treasurers

38. The Treasurer of a municipality or rural community shall be solely responsible for the administration of revenue and expenditure. The Treasurer shall be responsible for the collection of all municipal or rural community revenue and for the payment of all expenditure authorised by the Mayor or the Chairman, as the case may be, up to the amount of the funds which have been duly provided for.

Joint rules  
for  
financial  
procedure etc.

39. The Resident Commissioners shall make joint rules governing the keeping of local government accounts, the control of payments and the verification of claims of creditors.

PART VIII - ASSOCIATIONS OF MUNICIPAL AND RURAL  
COMMUNITY COUNCILS

Establishment  
of  
Associations

40. The Resident Commissioners may by joint decision authorise the establishment of Associations of municipalities or rural communities or both when two or more Municipal or Community Councils have by mutual resolutions expressed the desire to amalgamate in order to carry out works or services of common interest between the municipalities or rural communities or for the joint management of a public service.

Administration  
of  
Associations

41. Every such Association shall be administered by a Board the rules of election and operation whereof shall be prescribed by the Resident Commissioners by joint rules.

Budgets of  
Associations

42. The budget of each Association shall provide for the expenditure of setting up and maintaining the establishments or services for which the Association has been constituted. The revenue of such budget shall comprise -

- (i) the contribution of the associated municipalities or rural communities which shall be obligatory for the said bodies during the life of the Association to the extent of the funds required for the operation of services agreed upon;
- (ii) income from the movable and immovable property of the Association;
- (iii) the sums which the Association shall receive from the operation of public services, from other Associations and from private persons for services provided;
- (iv) grants from the Joint Administration;
- (v) the proceeds of gifts and legacies;
- (iv) the proceeds of charges, fees and contributions arising from services provided by the Association;
- (vii) the proceeds of loans.

Copies of the budget and the accounts of each Association shall be sent annually to the Councils of the associated municipalities and rural communities concerned.

Term and  
dissolution of  
Associations

43. (1) An Association may be formed for an indefinite period or for the period specified in the joint decision establishing it

An Association shall dissolved -

- (a) automatically on the expiration of the period for which it has been formed or upon the accomplishment of the project for which it was established; or
- (b) by the unanimous agreement of the municipalities or rural communities or both concerned; or

- (c) by joint decision of the Resident Commissioners upon the request of a majority of such municipalities or rural communities; or
- (d) by joint decision of the Resident Commissioners at their own discretion.

(2) Any such decision dissolving an Association shall, subject to the safeguarding of the rights of third parties, prescribe the conditions under which the dissolution thereof shall be carried out.

PART IX - SUPERVISION OF MUNICIPALITIES AND RURAL COMMUNITIES

Local  
Government  
Supervisory  
Commission

44. There shall be a Local Government Supervisory Commission of which each Resident Commissioner shall appoint a representative as a member.

Functions of  
Commission

45. (1) The Commission shall have the following functions which shall be subject to the power of final decision by the Resident Commissioners -

- (i) to approve decisions of Municipal and Community Councils concerning -
  - (a) the terms of any lease the duration of which exceeds eighteen years;
  - (b) the alienation by mutual agreement of municipal or rural community property when the price is less than an expert valuation thereof or when payment is not made in cash;
  - (c) the acquisition by private treaty of immovable property when the price exceeds an expert valuation thereof or when payment is not to be made in cash;
  - (d) adoption, abandonment, realignment, extension, widening or closing of public roads and squares;
  - (e) the scale of all fees charged by municipalities or rural communities;
- (ii) to approve all municipal and rural community budgets and supplementary provisions;
- (iii) to approve loans and the security therefor;
- (iv) to approve decisions concerning the number of persons to be employed by municipalities and rural communities and their remuneration;
- (v) to approve municipal and rural community activity in the economic and social field and in particular the direct operation of or financial participation only in organisations or undertakings set up for the purpose of preparing projects or carrying out works of public interest or the operation of public services;
- (vi) to approve decisions made subject to its prior approval or authorisation by virtue of any particular law.

(2) The Local Government Supervisory Commission may, with the approval of the Resident Commissioners, delegate any or all of its authority with respect to the supervision of rural communities to the District Agents in any administrative district.

Meetings of Commission

46. The Local Government Supervisory Commission shall meet at the instance of its members when it has received notification of any municipal or rural community decision or action falling within its jurisdiction.

The Commission shall make minutes of its proceedings which shall be communicated to the Resident Commissioners and to the Municipal or Community Council concerned.

Decisions of Commission to be notified within 2 months

47. If the Commission does not give its approval or notify its refusal of approval of any decision or action of a municipality or rural community requiring such approval within a period of two months after it has been notified, the said decision may be put into effect or the said action shall be deemed to have been authorised.

Further provisions for Commission

48. (1) The Resident Commissioners may by joint rules confer any other functions and responsibilities upon the Local Government Supervisory Commission, including the training and general supervision of the staff of Community Councils.

(2) The Local Government Supervisory Commission may employ its own staff in order better to carry out its functions and responsibilities and the remuneration and conditions of employment of such staff shall be the same as those of officers in the service of the Joint Administration.

PART X - MISCELLANECUS AND TRANSITIONAL PROVISIONS

Joint rules

49. The Resident Commissioners may by joint rules make all provisions necessary for the carrying into effect of this Regulation, which rules may constitute offences and provide penalties therefor.

Savings

50. Notwithstanding the enactment of this Regulation, the provisions of the Native Local Administration Joint Regulation, 1957 and of the Local Council Funds Joint Regulation No. 1 of 1961 (as from time to time amended) shall remain in force for a period of two years from the date of such enactment and shall during that period continue to apply to all Local Councils which have not been terminated by joint decision of the Resident Commissioners in order to be replaced or superseded by a rural community established under the provisions of section 1.

51. This Regulation may be cited as the Joint Local Government Regulation No. of 1975 and shall come into operation on the date of its publication in the Condominium Gazette.

SCHEDULE

- A. Management of Municipal and rural community property
- (a) Leases
  - (b) Sale of municipal or community property
  - (c) Acquisition of immovable property
  - (d) Exchanges of property
  - (e) Contracts for works affecting municipal or community property.
- B. Management of municipal and rural community finance
- (a) Preparation of budgets
  - (b) The basis and rates of fees, charges and taxes of which the collection has been authorised by the Resident Commissioners
  - (c) Supplementary provision
  - (d) Loans and security therefor
  - (e) Allocation of subventions and grants
  - (f) Acceptance of gifts and legacies.
- C. Recruitment, promotion, salaries and allowances, retirement and pensions of municipal and rural community staff
- D. Town planning
- (a) Provision and supervision of all markets and market buildings
  - (b) Control of siting of building on subdivisions, of the quality of building materials, of construction standards, and of the repair and demolition of derelict or dangerous buildings
  - (c) Matters relating to the town plan including the installation of electricity supplies and telephone lines, together with the installation and replacement of water-pipes
  - (d) Naming of streets and other public places and allocation of numbers to houses and other buildings
  - (e) Adoption, abandonment, re-alignment, extension, widening, closing of thoroughfares and public squares.
- E. Civic Administration
- (a) General by-laws
  - (b) Prevention of pollution of drinking water
  - (c) Prohibition, control and supervision of street-trading inside town-limits
  - (d) Establishment and control of social welfare services
  - (e) Prohibition, restriction and control of keeping animals and poultry in towns
  - (f) Prohibition, restriction and control of storage of inflammable products or hydrocarbons



- (g) Control and impounding of straying or wild animals
- (h) Installation and maintenance of traffic signs
- (i) Control of taxis and public transport.

F. Municipal and Rural Community Services

- (a) Roadways and water supply
- (b) Fire-fighting services
- (c) Installation and maintenance of street-lighting
- (d) Installation, operation and maintenance of radio-telephones
- (e) Maintenance and cleaning of roads and paths, pavements, playing fields and other public places in the council area
- (f) Collection and destruction of household rubbish and litter and maintenance of public drainage
- (g) Control of mosquitoes, rats, insects and other vermin
- (h) Operation and upkeep of cemeteries
- (i) Installation and maintenance of public wash-places, lavatories and urinals
- (j) Establishment, upkeep and assistance to, development and supervision of public libraries, museums, showgrounds, parks and playing-fields
- (k) Planting, pruning and removal of trees in public places
- (l) Construction and maintenance of medical dispensaries
- (m) Construction and maintenance of small wharves and jetties
- (n) Granting of concessions for the operation of public services
- (o) Direct operation or financial participation in undertakings of public interest.

G. Social Welfare

- (a) Aid to the poor
- (b) Re-housing of disaster-victims
- (c) Direct operation of and participation in welfare and assistance schemes.

MADE at Vila this Thirteenth day of January, 1975.

The Resident Commissioner  
for the French Republic

Her Britannic Majesty's  
Resident Commissioner

R. LANGLOIS

R.W.H. DU BOULAY

ARTICLE 47.- Si la Commission de Tutelle n'a pas donné son approbation ou fait connaître son refus d'approbation à la suite d'une délibération ou acte des Municipalités ou Communes Rurales dans un délai de deux mois après qu'elle en aura été saisie, ladite délibération sera exécutoire ou ledit acte sera réputé autorisé.

ARTICLE 48.- (1) Les Commissaires-Résidents pourront, par Arrêté Conjoint, conférer d'autres fonctions et responsabilités à la Commission de Tutelle, y compris la formation et le contrôle du personnel.

(2) La Commission de Tutelle peut employer son propre personnel afin d'exercer ses fonctions et responsabilités dans les meilleures conditions. Les traitements et conditions de service de ce personnel sont assimilés à ceux des services publics du Condominium.

TITRE X - DISPOSITIONS DIVERSES ET TRANSITOIRES -

ARTICLE 49.- Les Commissaires-Résidents pourront, par Arrêtés Conjoint, prendre toutes dispositions utiles pour l'exécution du présent Règlement Conjoint. Ces Arrêtés pourront définir des infractions et prévoir des pénalités.

ARTICLE 50.- Nonobstant la mise en vigueur du présent Règlement Conjoint, les Règlements Conjoint No. 9 de 1957 et No. 1 de 1961, tels qu'ils ont pu être modifiés, demeureront en vigueur pour une période de deux ans à compter de la date d'effet du présent règlement.

Au cours de cette période, les dits règlements continueront de s'appliquer à tout Conseil Local qui n'aura pas été dissous par les Commissaires-Résidents en vue de son remplacement ou de sa transformation par, ou en, une Commune Rurale telle que prévue à l'article 1.

ARTICLE 51.- Le présent Règlement Conjoint sera enregistré, publié et communiqué partout où besoin sera et prendra effet pour compter du jour de sa publication au Journal Officiel du Condominium.

PORT-VILA, le 13 Janvier 1975

Le Commissaire-Résident  
de Sa Majesté Britannique  
aux Nouvelles-Hébrides,

R.W.H. DU BOULAY

Le Commissaire-Résident  
de France  
aux Nouvelles-Hébrides,

R. LANGLOIS